

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FERNANDEZ,

Plaintiff,

-v-

DELTA SHOE GROUP, INC.,

Defendant.

No. 24-CV-4881 (KMK)

ORDER OF DISMISSAL

KENNETH M. KARAS, United States District Judge:

Plaintiff Felipe Fernandez (“Plaintiff”) commenced this Action on June 27, 2024, by filing a Complaint and a Request for Issuance of Summons as to Defendant Delta Shoe Group, Inc. (“Defendant”). (Dkt. Nos. 1, 3.) Electronic summonses were issued as to Defendant on June 28, 2024. (Dkt. No. 4.) Plaintiff has taken no further action since the filing of the Complaint and the Request for Issuance of Summons on June 27, 2024. (*See generally* Dkt.) On October 10, 2024, the Court issued an Order to Show Cause as to why this case should not be dismissed for failure to prosecute, directing Plaintiff to respond no later than October 25, 2024. (Dkt. No. 5.) As of the date of this Order, Plaintiff has not responded to the Order to Show Cause or otherwise communicated with the Court.

Accordingly, it is hereby:

ORDERED that this Action be dismissed without prejudice for failure to prosecute. *See Armstrong v. Guccione*, 470 F.3d 89, 103 n.1 (2d Cir. 2006) (noting that “a federal district court has the inherent power to dismiss a case *sua sponte* for failure to prosecute” (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630–32 (1962))).

The Clerk of Court is respectfully directed to close the case and mail a copy of this Order to Plaintiff's address.

SO ORDERED.

DATED: November 4, 2024
White Plains, New York

A handwritten signature in black ink, appearing to read 'K. Karas', written over a horizontal line.

KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE